

Assembly Bill No. 1359

Passed the Assembly August 24, 2015

Chief Clerk of the Assembly

Passed the Senate August 20, 2015

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 3041.3 of the Business and Professions Code, relating to optometry.

LEGISLATIVE COUNSEL'S DIGEST

AB 1359, Nazarian. Optometry: therapeutic pharmaceutical agents certification: requirements.

(1) The Optometry Practice Act provides for the licensure and regulation of optometrists by the State Board of Optometry. The act defines the practice of optometry to include the prevention and diagnosis of disorders and dysfunctions of the visual system, and the treatment and management of certain disorders and dysfunctions of the visual system, as well as the provision of rehabilitative optometric services, and authorizes optometrists to engage in specified acts if certain requirements are met, including, the use of therapeutic pharmaceutical agents. The act authorizes the board to grant a certificate to use therapeutic pharmaceutical agents to an applicant who graduated from a California accredited school of optometry, prior to January 1, 1996, and is licensed as an optometrist in the state if certain requirements are met, including, but not limited to, completing a didactic course of at least 80 classroom hours in the diagnosis, pharmacological, and other treatment and management of ocular disease, as specified.

This bill would change all references to a certificate to use therapeutic pharmaceutical agents to instead refer to a therapeutic pharmaceutical agents (TPA) certification. The bill would delete certain requirements for an applicant for a therapeutic pharmaceutical agents certification who graduated from a California accredited school of optometry, prior to January 1, 1996, and is licensed as an optometrist in the state, including, but not limited to, completing a didactic course of at least 80 classroom hours, as specified. The bill would require such an applicant to complete a preceptorship of at least 65 hours, as specified, with either a TPA-certified optometrist in good standing or a physician and surgeon board-certified in ophthalmology in good standing, and would require such an applicant to complete a minimum of 100 hours of directed and accredited education in ocular and

systemic diseases, as specified. The bill would require a preceptor to certify completion of the preceptorship on a form approved by the board.

(2) The act exempts an optometrist who graduated from an accredited school of optometry on or after January 1, 1992, and before January 1, 1996, from meeting specified requirements for the issuance of a certificate to use therapeutic pharmaceutical agents, including the didactic course of at least 80 classroom hours.

This bill would delete those exemptions for an optometrist who graduated from an accredited school of optometry on or after January 1, 1992, and before January 1, 1996, and instead require such an applicant to meet the requirements for the issuance of a therapeutic pharmaceutical agents certification that apply to an applicant who graduated from a California accredited school of optometry, prior to January 1, 1996, as specified.

(3) The act also authorizes the board to grant a certificate to use therapeutic pharmaceutical agents to an applicant who graduated from a California accredited school of optometry, on or after January 1, 1996, and is licensed as an optometrist in the state if certain requirements are met, including, but not limited to, completing 10 hours of experience with a board certified ophthalmologist.

This bill would delete certain requirements for an applicant for a therapeutic pharmaceutical agents certification who graduated from a California accredited school of optometry, on or after January 1, 1996, and is licensed as an optometrist in the state, and would instead require such an applicant to pass all sections of the National Board of Examiners in Optometry's national board examination or its equivalent, as determined by the board, in order to be granted a therapeutic pharmaceutical agents certification.

The people of the State of California do enact as follows:

SECTION 1. Section 3041.3 of the Business and Professions Code is amended to read:

3041.3. (a) In order to be certified to use therapeutic pharmaceutical agents and authorized to diagnose and treat the conditions listed in subdivisions (b) and (e) of Section 3041, an optometrist shall apply for a certificate from the board and meet all requirements imposed by the board.

(b) The board shall grant a therapeutic pharmaceutical agents (TPA) certification to any applicant who graduated from a California accredited school of optometry prior to January 1, 1996, is licensed as an optometrist in California, and meets all of the following requirements:

(1) Completes a preceptorship of no less than 65 hours, during a period of not less than two months nor more than one year, with either a TPA-certified optometrist in good standing or a physician and surgeon board-certified in ophthalmology in good standing. The training received during the preceptorship shall be on the diagnosis, treatment, and management of ocular and systemic disease. The preceptor shall certify completion of the preceptorship using a form approved by the board. The individual serving as the preceptor shall schedule no more than three optometrist applicants for each of the required 65 hours of the preceptorship program. This paragraph shall not be construed to limit the total number of optometrist applicants for whom an individual may serve as a preceptor, and is intended only to ensure the quality of the preceptorship by requiring that the preceptor schedule the training so that each applicant optometrist completes each of the 65 hours of the preceptorship while scheduled with no more than two other optometrist applicants.

(2) Successfully completes a minimum of 100 hours of directed and accredited education in ocular and systemic diseases within two years prior to meeting the requirements of paragraph (1).

(3) Passes the National Board of Examiners in Optometry's "Treatment and Management of Ocular Disease" examination or, in the event this examination is no longer offered, its equivalent, as determined by the State Board of Optometry.

(c) The board shall grant a therapeutic pharmaceutical agents certification to any applicant who graduated from a California accredited school of optometry on or after January 1, 1996, who is licensed as an optometrist in California, and who passes all sections of the National Board of Examiners in Optometry's national board examination or its equivalent, as determined by the State Board of Optometry.

(d) The board shall grant a therapeutic pharmaceutical agents certification to any applicant who is an optometrist who obtained his or her license outside of California if he or she meets all of the

requirements for an optometrist licensed in California to be granted a therapeutic pharmaceutical agents certification.

(1) In order to obtain a therapeutic pharmaceutical agents certification, any optometrist who obtained his or her license outside of California and graduated from an accredited school of optometry prior to January 1, 1996, shall be required to fulfill the requirements set forth in subdivision (b). In order for the applicant to be eligible for therapeutic pharmaceutical agents certification, the education he or she received at the accredited out-of-state school of optometry shall be equivalent to the education provided by any accredited school of optometry in California for persons who graduate before January 1, 1996. For those out-of-state applicants who request that any of the requirements contained in subdivision (b) be waived based on fulfillment of the requirement in another state, if the board determines that the completed requirement was equivalent to that required in California, the requirement shall be waived.

(2) In order to obtain a therapeutic pharmaceutical agents certification, any optometrist who obtained his or her license outside of California and who graduated from an accredited school of optometry on or after January 1, 1996, shall be required to fulfill the requirements set forth in subdivision (c). In order for the applicant to be eligible for therapeutic pharmaceutical agents certification, the education he or she received by the accredited out-of-state school of optometry shall be equivalent to the education provided by any accredited school of optometry for persons who graduate on or after January 1, 1996. For those out-of-state applicants who request that any of the requirements contained in subdivision (c) be waived based on fulfillment of the requirement in another state, if the board determines that the completed requirement was equivalent to that required in California, the requirement shall be waived.

(3) The State Board of Optometry shall decide all issues relating to the equivalency of an optometrist's education or training under this subdivision.

Approved _____, 2015

Governor